

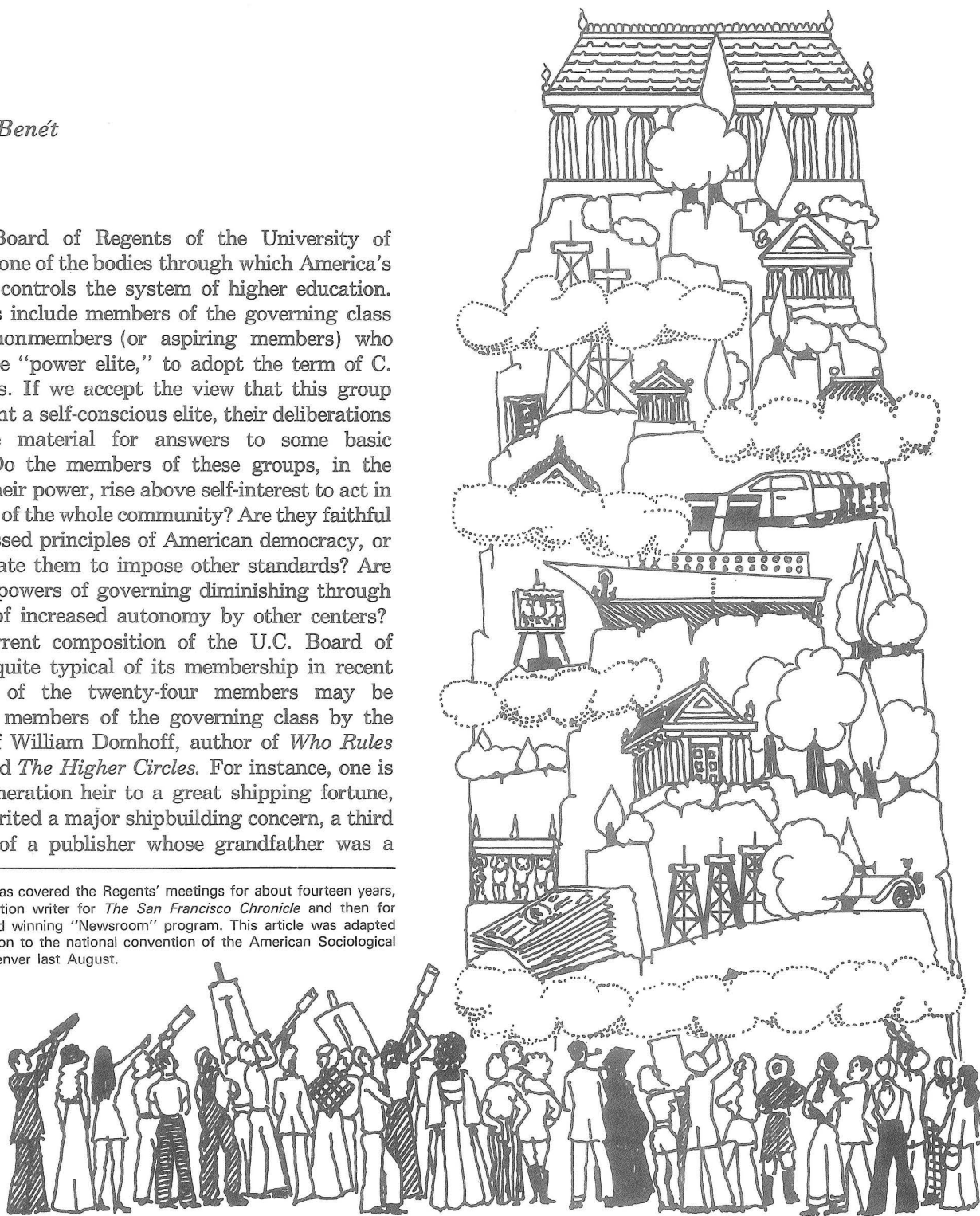
The California Regents: Window on the Ruling Class

by James Benét

The Board of Regents of the University of California is one of the bodies through which America's ruling class controls the system of higher education. The Regents include members of the governing class itself and nonmembers (or aspiring members) who belong to the "power elite," to adopt the term of C. Wright Mills. If we accept the view that this group does represent a self-conscious elite, their deliberations can provide material for answers to some basic questions. Do the members of these groups, in the exercise of their power, rise above self-interest to act in the interests of the whole community? Are they faithful to the professed principles of American democracy, or do they violate them to impose other standards? Are their actual powers of governing diminishing through acquisition of increased autonomy by other centers?

The current composition of the U.C. Board of Regents is quite typical of its membership in recent years. Ten of the twenty-four members may be regarded as members of the governing class by the standards of William Domhoff, author of *Who Rules America?* and *The Higher Circles*. For instance, one is the third-generation heir to a great shipping fortune, another inherited a major shipbuilding concern, a third is the wife of a publisher whose grandfather was a

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multi-millionaire and a U.S. Senator. Two are in the San Francisco Social Register. Six are in the Los Angeles "Blue Book," five are elected state officials and at least six others hold business positions which qualify them as members of the Mills' power elite. For instance, one is the president of the largest chain of retail stores in West, another a broadcasting executive who owns a professional baseball team and appeared this year on the lists of large political contributors (more than \$30,000). These groups overlap, so that all together they include seventeen of the twenty-four Regents. The remaining seven are upper middle class, in some cases candidates for cooptation to the highest level. For example, several are lawyers of repute; another heads his own electronics firm. An indication of the exclusive nature of the board is that only one is black—the first black to serve on the board in its one hundred years of existence—and he was not the choice of any governor, but serves because of election as state superintendent of public instruction.

The board's reputation as an elite group seems to be deserved, even in comparison with other university governing boards, although they too generally are drawn from upper economic levels. A study of the boards of members of the American Association of Universities found that of 306 trustees who responded to a questionnaire, the median and modal annual incomes were between \$50,000 and \$75,000. Income figures for the Regents were not available, but the group includes at least ten millionaires. Undoubtedly the appointment of Regents from upper business and social circles conforms to the intention of the legislators who provided that the university shall be free from political or sectarian influence; this is a board of people independent enough to oppose even a popular governor, when they wish to. However, the legislature did not establish the university's financial independence adequately, and this weakens the Regents' power. Despite that limitation the prestige of the position is sufficient to warrant that some of the board members list themselves in *Who's Who* as "university regent."

This economically and socially elite group also has claims to cultural distinction. One of the businessmen Regents is an internationally noted art collector whose holdings have been estimated to be worth at least \$150 million. Another has served as president of the Los Angeles County Museum of Art and president of the symphony association. Hence one would not expect to find the Regents unsophisticatedly banning the use of nude models in art classes, as the Regents of Eastern New Mexico University did recently, under the leadership of their board president, the local undertaker. Nor would one expect to hear a Regent

publicly insult a large part of the community, as a member of the California State College Board of Trustees did recently when he complained that a list of campus speakers contained few Anglo-Saxon names and many that he could not pronounce. The clear implication of his remarks was that people with such names are likely to be subversive. Much of the discussion at Regents' meetings is urbane; sometimes it is witty. For instance, in defending student newspapers against charges of obscenity, one Regent commented that he had seen nothing more in them than had appeared in *Playboy*. "I could go into more detail," he added, "but I am sure all of the Regents have read the latest issue of the magazine," a jesting remark in the light of the straitlaced attitude other board members adopted. The tone of the usual discussion is indicated by his use of the word "Regents"; the board members customarily address each other as "Regent This" or "Regent That," a rather stilted form which nevertheless seems to represent a determined attempt at courtesy.

Considering all these characteristics of wealth, power, social position and culture, it is fair to say that in drawing examples of ruling-class behavior from this group we are by no means selecting an unrepresentative sample but rather one which may even constitute an elite of the elite.

Most boards of leading educational institutions meet privately, since most of the top-ranked colleges and universities are private. But for the University of California, not only top-ranked but first in quality and range of its graduate departments, the board meets for the most part publicly, under pressure of the state legislature that it do so.

Some of the board members are politicians, others are attorneys; these latter, of course, are specially trained in dissembling and in the art of public presentation of delicate issues. But others are powerful men and women who don't hesitate to speak bluntly and revealingly. And so we can observe their behavior for insight into the behavior of the ruling class.

The board is not unanimous in its decisions, any more than most other boards are. We see in its disagreements, of course, the clash of factions or groups within the ruling class, as well as individual differences. But it is owing to this clash and dissension that reporters are able to glean material that otherwise would remain confidential. The interesting revelations come about when Regents hurl statements at each other in the disputes of the factions.

Turning now to this material itself, let us consider the first of the questions raised at the outset—whether the Regents rise above self-interest to act in the interests of the whole community. Two sorts

of issues can be involved here. On the one hand the Regents, as a body, influence public policies and on the other hand they as individuals sometimes are engaged in private business dealings that involve the university.

An illuminating example of the issue of public policy is provided by the long and bitter debate that preceded the imposition of tuition fees on university students. The decisive vote on February 20, 1970, to end a free-tuition policy that had lasted for more than one hundred years was 16 to 6, with one abstention and one absentee. One of the Regents in the minority charged that "this very wealthy group of men are increasing the burden on the middle-income group," rather than continuing to share the expense of the state university as in former years. During the past few years the contribution of business and bank taxes to the state's general revenues had dropped from eighteen to thirteen percent, he said, while the contribution of personal income tax—which falls more heavily on the middle class than on the wealthy—had risen from nineteen to twenty-four percent. Now in addition, he said, the parents of students—mostly, of course, middle class—will pay an added share of education expense through tuition fees. Another Regent of the minority bloc added that the tuition fee in fact constitutes a surtax on the student and parent group.

The governor, who is *ex officio* president of the board of Regents, said repeatedly that the alternative to imposing tuition fees—and also making severe cuts

in the university budget—would be to raise taxes. One may interpret this as meaning, to put it only slightly differently, that the sector of the ruling class he represents does not care to relinquish any more of its wealth to support the state university, through raising income taxes at the higher levels, increasing corporate taxes or closing loopholes such as the one through which the governor has himself escaped paying state income taxes.

An example of the second sort of issue that arises in the area of self-interest—the issue of personal business—is a case in which a Regent caused the university to establish a holding company through which he obtained a bank loan for oil development. The university received a fee of about \$20,000 through the transaction, and this Regent, according to a report by the state auditor general to the education committee of the state assembly, avoided taxes of at least \$800,000. Thus the Regent made the university a partner in his tax avoidance—which of course shifted the burden a little more to the state's other taxpayers.

In a different instance of combining university business and personal interests, a Regent arranged that when he bought a new home the nearby university campus could acquire the adjoining elaborate and expensive garden as a botanical preserve with money he provided. By this means he avoided paying property taxes on the garden to which, however, he still has unlimited access.

This same Regent is a trustee of a major

A National Look at College Trustees

Despite signs of broader representation on college and university governing boards in the last two years, with increases in the numbers of women, blacks and young people, the overall national picture of the average trustee remains intact—he is a member of a very elite group.

In a national report, "The New College Trustee: Some Predictions for the 1970s," Rodney T. Hartnett of the Educational Testing Service in Princeton conducted two surveys eighteen months apart at more than five hundred colleges and universities. He found that although there were changes in the composition of governing boards, as a group trustees still "personify 'success' in the usual American sense of the word."

In general, the study says, the average trustee is a white male Protestant in his fifties (one third of them are over sixty). More than half of the trustees in the sample have incomes exceeding \$30,000 and they hold prestige occupations, with the majority of them business executives. Politically they identify themselves as "moderate" Republicans.

Hartnett found that on the issue of academic freedom, most of them were somewhat cautious—especially those from the South and Rocky Mountain States. Although most of them favor the right of free expression for faculty, they are reluctant to accept any wider notions of academic freedom. More than two-thirds favor screening campus speakers, and more than half of them feel that it is "reasonable" to require loyalty oaths for faculty.

On the question of "Education for Whom?" slightly more than eighty-five percent believe that education should be available to all, but ninety percent feel that attendance at their college is a privilege. On decision-making, trustees favor a hierarchical system in which decisions are made at the top and passed down.

Hartnett concludes that until more federal funds are forthcoming to the financially crippled colleges, money will continue to be the major consideration in choosing who sits on the boards—and those who can enhance the financial situation of an institution will be the first chosen.

foundation which controls a land company from which the university acquired one of its new campuses a few years ago. And the chairman of the Board of Regents is a partner in its law firm. The land company still owns huge tracts adjoining the campus and is often involved, along with officers of the campus itself, in controversial decisions by local government bodies over future land development. Numerous improprieties in these relationships have been alleged by the minority bloc of Regents.

A slightly different kind of involvement of personal affairs might be described as Regental favoritism. Quite recently the newest member of the board, who had formerly been director of a university research center, announced that his former assistant had received an out-of-scale pay raise from the Regents. This raise occurred when the faculty as a whole was being denied even a cost-of-living increase by the governor. Yet the Regent announced with satisfaction that the rewarded professor had been a valuable assistant and that the raise was well deserved.

One can scarcely argue that these instances came about through inadvertence and were allowed to continue only through forgetfulness. First of all, members of the ruling class are well aware of the pervasiveness of self-interest and of the need to guard against its intrusion where it doesn't belong. The motto of an exclusive men's club in San Francisco is "Weaving spiders come not here," a warning to members against introducing their business deals into the clubhouse. Thus when the Regent who made the oil deal protested that, after all, he had made similar deals through other universities, another Regent refused to take the remark seriously. "I appreciate your sense of humor," he said, "but the difference is that you did not stand in a fiduciary relationship to those institutions." And in governing the university the Regents are formally alerted to possible violations of the principle by others. The university manual for faculty contains a warning against "actual or apparent conflicts of interest."

Moreover, all of these instances have been called to the Regents' attention. And the response has been anger or acute embarrassment. For instance, the governor publicly called a fellow Regent "a lying son-of-a-bitch" because he had suggested that a postponement of discussion of the land-company relationship was arranged in order to put it after the governor's reelection. And it was obvious to observers that at least some of the Regents were embarrassed when a group of students picketed their meeting with signs saying, "Crooks, crooks, open your books."

Nevertheless, in spite of public criticism in and out of the legislature, the Regents made no investigations of these affairs, so far as is publicly known. They seemed quite content to continue without any policy

concerning conflicts of interest on the board until at last the state assembly's education committee pointedly suggested that they establish such a policy. The committee even named a date by which it wished an answer. And the Regents finally acceded to this directive.

The second question about the Regents is whether the board is faithful to the professed principles of American democracy or whether it violates them. In this connection the widely known case of Angela Davis is relevant. To recapitulate briefly, the Regents first dismissed Ms. Davis, an acknowledged Communist, from an appointment as acting assistant professor at UCLA and then, when a state court overturned that dismissal as unconstitutional, refused to rehire her for the customary second year. A second court test was aborted when she was arrested and held without bail as an alleged accomplice in a courtroom breakout of three convicts, in which a judge and three others were killed.

There can be little doubt about the constitutional issue. After the refusal to rehire Ms. Davis, one Regent issued a written statement disclosing that the Regents' own counsel, a former judge, had held the action to be unconstitutional. The final decision was taken behind closed doors, as is usual in personnel matters, so that reporters did not hear the debate. But another Regent, an attorney, said afterward that he had asked the attorneys on the board who favored dismissal whether they would advise a client to act as they were acting, in confidence that the courts would uphold them. None would answer him, he said.

The chairman of the board told reporters afterward that the decision was not political and was based solely on Ms. Davis' qualifications as a teacher. But this explanation ignores the fact that the board in general concedes its inability to decide on the professional qualifications of a philosopher, in this case a recognized brilliant student who was supported by her department and campus chancellor. Moreover investigators for the American Association of University Professors found that the Regents' professed reasons for dismissal—that Ms. Davis had made some intemperate speeches unsuitable for a teacher—were a violation of her academic freedom.

Of course, it is a commonplace for people to make exceptions of Communists, who are often thought to stand outside the rule of normal restraints, as formerly the Indians did, and earlier any "heathen." But that understanding of the law is not sanctioned by the Constitution or the courts, and the question is whether or not the Regents conform to the principles that are supposed to govern the nation.

On the basis of these observations, one must ask whether the facts really support such statements as

this by highly respected authors Christopher Jencks and David Riesman in *The Academic Revolution*:

The national upper-middle-class style... (is) concerned with equity and fair play... Not everyone who has money, power or visibility in America subscribes to this set of ideals even in theory, let alone in practice... Nonetheless we would argue that the ethic we are describing... is growing stronger rather than weaker.

The "style" behind the actions of the Regents with respect to Angela Davis suggests just the opposite. The style of the Regents may have been better represented in the expression of one of these men during a discussion of the Reserve Officers Training Corps:

We mustn't let our enemy and his sympathizers in our country destroy our will to fight as expressed in the slogan, "Make Love Not War!"

Such a view, as Domhoff comments in another connection, "is the kind of ideology that can justify any action, however contrary it may be to espoused moral precepts, because of the nature of The Enemy." Whatever the verbal explanations of the Regents might be, their actions with respect to Angela Davis and the ROTC seem clearly to indicate that neither the ethics of fair play nor the requirements of the Constitution were the dominant considerations in their decisions.

Finally, we turn to the third question, whether the Regents' actual powers of governing are being lessened through the acquisition of increased autonomy by other centers—the students, the faculty and so forth.

It is difficult to find evidence in the actual behavior of the board to support statements by numerous writers that there has been a "diminution of Regental power," as Martin Trow stated in *Experiment and Innovation*. It is true that funding by foundations and the Federal government of faculty research, construction and new programs has weakened the Regents' position. And it may be that faculty and administrators now regard powers once granted them by the Regents as being theirs by right, such as control of the curriculum and judgment of faculty qualifications. But nevertheless the Regents have neither hesitated nor found it difficult to move into any of the areas supposedly barred to them. In the Davis case just cited they reached into one of the campuses to reverse a departmental decision on a non-tenure appointment. Earlier, because of their indignation over a chancellor's appointment of Professor Herbert Marcuse, a Marxist philosopher and Ms. Davis'

teacher, they canceled their delegation of the power of tenure appointment. Now the board must approve every tenure appointment on the nine campuses, despite the vigorous protests of administrators and faculty that the consequent delay will be a serious handicap in recruitment. The Regents have not hesitated to intervene even in matters of curriculum; when Eldridge Cleaver, a leader of the Black Panthers, was invited to give an experimental course of ten lectures at Berkeley, the Regents prohibited it from being given for credit, reprimanded the faculty involved, and established a new rule—later modified—that no outside lecturer might appear more than once in any quarter without special permission.

In those instances the Regents in effect took back power they had formerly granted to others. They have also shown themselves most grudging about allowing others to participate in the board's proceedings, as would scarcely be the case if another group had acquired *de facto* important power in their area. For instance, the elected student body leaders have made a long and persistent effort to obtain the right to participate in Regents' meetings. But all the Regents granted them at last was permission to be heard at meetings of the committee on educational policy and, at the discretion of the chairman, at full meetings of the board. Faculty, too, sought more participation. They asked that a single faculty representative, the chairman of the elected statewide academic council, be given a regular seat and voice—though no vote—at Regents' meetings. But the board rejected this proposal without the slightest appearance of anxiety over faculty wrath. And finally, the Regents rejected a mild proposal that the president of the university might be permitted to decide how much students should be allowed to participate in departmental meetings, thus barring any student participation at all.

If these constituencies or the university administrators really had substantial power, one might have expected it to be demonstrated during such episodes. In fact, however, all these groups have been impotent in the face of Regents' decisions. After the debate on tuition fees, to which the overwhelming majority of faculty and students were opposed, the chairman congratulated the student audience on its good behavior. "It's the last time," a student called back. And one of the minority Regents commented, "We've seen how well moderation works." But this is not to say, of course, that earlier violent demonstrations by students had any more success.

The real option for both students and faculty was summed up in a motto the governor displayed in his office. "Obey the rules"—that is, the Regents—"or get out." And not only students and faculty but also the

administrators are frequently reminded today that power to make the rules rests with the Regents. One of the majority on the board recently told an interviewer, for example, that if the university president—who is a member of the board—opposes “too many” majority decisions he should resign, because his primary responsibility is to act as the chief executive officer of the Regents. We cannot agree, therefore, with the statement of Jencks and Riesman that “the over-all trend seems to us toward moderation and an increasingly ceremonial role for the trustees.”

What produced such a view is obviously beyond the scope of this discussion. But perhaps it is permissible to suggest that a historical period of relative affluence and quiet campuses, where there appeared to some to be an end to ideology, created the illusion that Mills called “romantic pluralism.” In recent years the illusion has been shattered by students’ sit-downs and rock-throwing, and the clubbing and tear-gassing by police and National Guardsmen, which followed the efforts of dissenters to organize in opposition to governmental and Regental policies. But it was always an illusion. Even during the period when they were believed to be gracefully yielding power the University of California Regents were invading the constitutional rights of faculty—as in the “loyalty oath” case of 1949—and were using the university for their own financial benefit, as some of our examples have indicated.

Thus one should not be surprised that such a distinguished authority as T. R. McConnell, founder and now emeritus professor of the Center for the Study of Higher Education in Berkeley, has reached the conclusion that “the time has come to reconstitute governing boards” of universities. “Lay membership should no longer be confined mainly to those who represent wealth, position or political power, but should be extended to those who represent a wide range of economic and political interests and a diverse pattern of ethnic and cultural backgrounds and aspirations. Governing boards should also include a substantial proportion of faculty,” McConnell says. He is principally concerned with the trustees’ reluctance to delegate power to the faculty, and their distrust of academic freedom. One might add that in any reconstitution it could be provided that trustees should also be required to meet certain standards of personal honesty, to serve the public interest and to adhere to the constitutional principles that our nation professes.

Such changes don’t seem likely in the near future; as we have noted, the Regents are tenaciously resisting any lessening of their power. But these observations suggest that while the governing class continues to dominate the Board of Regents it will not serve the broader public interest well. The deeper question raised is whether, in fact, the ruling class is fit to rule. ■

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